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HUMAN RIGHTS QUESTIONS

Letter dated 22 September 1995 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the text of a statement issued by the Foreign Ministry of Estonia regarding Estonian legislation (see annex).

I should be grateful if you would have the present letter and the attached statement circulated as an official document of the General Assembly under agenda item 112.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative

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ANNEX

Statement issued on 21 September 1995 by the Ministry of Foreign Affairs of Estonia

On 30 June 1995, a memorandum on the human rights situation in Estonia previously circulated by the Russian delegation at a meeting of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) at Vienna on 13 June 1995 was published as an official document of the United Nations (A/50/267, annex).

That memorandum, dealing with certain aspects of Estonian legislation and in particular with the situation of the "Russian-speaking population" contains allegations that misrepresent the situation in Estonia.

In this regard, the Estonian Ministry of Foreign Affairs would like to provide an overview of the issues touched upon in the aforementioned memorandum.

1. The withdrawal of Russian troops from Estonian territory cannot be linked with any other issue, including that of what is termed "human rights", as the former Soviet - now Russian - troops that stayed in Estonia were a remnant of the Soviet annexation of the independent Republic of Estonia in 1940 that ended only in 1991 and did not have any legal status. According to the principles of international law and to the general concept of good-neighbourly relations, a State cannot keep its troops in the territory of another sovereign State without the latter's consent.

2. The question of "human rights", more precisely the question of the "Russian-speaking population", has repeatedly been raised by the Russian Federation. Before the Second World War, the situation was similar to that when a certain State tried to subjugate other States, using the issue of co-ethnics as a political tool. It is important to note that not one fact-finding mission of the 20 odd that have visited have reported violations of human rights in Estonia. Since 1993 Estonia has been a State member of the Council of Europe, Europe's oldest international organization, which monitors the human rights situation closely and to which the Russian Federation has not yet qualified to belong. The reports of the OSCE mission in Estonia do not contain information about human rights violations in Estonia. A recent report by the Council of Europe Parliamentary Assembly Human Rights Committee has found the situation of human rights in Estonia satisfactory. Independent sociological research carried out both in Estonia and in the Russian Federation, as well as polls conducted in Estonia, show no evidence of discrimination of Russophones versus other linguistic groups (Swedish-speaking, Ukrainian-speaking and other communities). Furthermore, Russians are one of the four officially recognized national minorities in Estonia. In connection with the imminent ratification by Estonia of the European Convention of Human Rights, all Estonian laws and practices relating to their application are being examined once again together with the experts of the Council of Europe.

3. The new Estonian Law on Citizenship, which entered into force on 1 April 1995, conforms fully, not only outwardly as stated in the memorandum by

the Russian delegation, to internationally recognized requirements. The Law, based to a large extent on the principles of the 1938 Law on Citizenship that re-entered into force in 1992, requires an applicant for citizenship to have resided in Estonia five years prior to submitting an application. In the specific Estonian context to which the Russian delegation refers, this new requirement does not affect people who were already residing in Estonia in 1990 (when the period of transition to the restoration of independence was declared) and continue to do so. Thus it does not introduce any restrictions for acquiring citizenship. Based on careful comparison with the citizenship laws of other countries, it is clear that the Estonian Law on Citizenship is in full conformity with internationally recognized norms and standards.

4. The new Law on Language, also enacted on 1 April 1995, does not provide any possibilities of discrimination on a linguistic or ethnic basis. The Estonian State continues to provide education in the Russian language. One third of all first-grade students who began their studies this year did so in Russian, a number that corresponds fully to the ethnic composition of the population of Estonia. In general the Estonian authorities do not provide other national minorities with public education in their own languages. The Russian speakers in Estonia have the right to form their own cultural and educational institutions, religious and ethnic organizations, practise their own cultural traditions, publish their own language publications and so on. Two national daily newspapers and several public and commercial television and radio programmes diffuse information in Russian. The Language Law contains special provisions with regard to areas that have a high proportion of Russian speakers where Russian can be used as the internal language of communication by the local authorities and where the population enjoys the right to receive official communications in the minority language.

5. As an example of "anxiety" and "constant fear of being deported from Estonia" as the Russian Federation memorandum states, the Russian delegation mentions the case of Mr. P. Rozhok, an ultranationalist and anti-Semitic representative of Vladimir Zhirinovsky's Russian Liberal Democratic Party. Indeed, Mr. Poznok is a Russian citizen but, contrary to the allegations of the Russian delegation, Mr. Rozhok's citizenship was not the cause for his expulsion from Estonia. This decision was taken because Mr. Rozhok worked actively against Estonia's constitutional order and incited ethnic hatred. Expulsion for these reasons is a completely normal procedure that occurs when citizens of other countries do not respect the laws of the country in which they reside. Mr. Rozhok not only made statements which implied that he supported the reoccupation of Estonia, but he also established organizational structures to achieve that aim. Many of his activities were not legal even according to Russian Federation laws. Estonia is particularly concerned with Mr. Rozhok's anti-Jewish statements and calls on the Russian Federation to work together with it to combat anti-Semitism and other forms of inter-ethnic hatred. Mr. Rozhok did have and did exercise the right to appeal against the actions of the authorities after his expulsion. Relevant legal procedures have been initiated.

6. As a sign of good will Estonia has once more extended the deadline for submission of applications for the granting of residence permits to aliens.

7. In Estonia there is no State church. The church and the State are separate. Controversial issues concerning the Orthodox Church, both canonical (the location of the ecclesiastical centre for Orthodox parishioners) and legal (the restoration of church property under Estonian law), are remnants of numerous problems caused by the forcible annexation of independent Estonia to the Soviet Union in 1940 and have been brought to the fore by the collapse of the latter. The Estonian Orthodox Church, which in 1919 had placed itself under the jurisdiction of the Patriarch of Constantinople, reregistered itself in this status with the support of 21 parishes in 1992. Certain other parishes wish to have their ecclesiastical centre in Moscow. This apparent case of schism can and must be solved within the Church.

8. The Government of Estonia has begun granting residence permits to Russian military pensioners who have expressed their desire to remain in Estonia. Some 13,700 applications have been submitted and are being processed. OSCE has appointed its representative to the relevant commission that deals with issuing residence permits to retired staff officers of a foreign State.